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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON DIVISION

THE INDEPENDENCE PROJECT, INC., a New
Jersey Non Profit Corporation, and RONALD
MOORE, Individually,

Plaintiffs,

vs.

WENDY'S OLD FASHIONED HAMBURGERS
OF NEW YORK, LLC, an Ohio Limited Liability
Company, and MIDWEND FOODS, INC., a
New Jersey Corporation,

Defendants.

Case No. 3:15-cv-08671-PGS-TJB

NOTICE OF VOLUNTARY DISMISSAL

*(only as to Wendy's Old Fashioned Hamburgers of New York, LLC,
an Ohio Limited Liability Company)*

COME NOW Plaintiffs, The Independence Project, Inc., a New Jersey Non-Profit Corporation, and Ronald Moore, Individually, by and through undersigned counsel, and herein file this Notice of Voluntary Dismissal as to Defendant Wendy's Old Fashioned Hamburgers of

New York, LLC, an Ohio Limited Liability Company, pursuant to Federal Rule of Civil Procedure 41 (a) 1 (A)(i).

Nothing herein shall affect the lawsuit against Defendant Midwend Foods, Inc., a New Jersey Corporation.

Respectfully submitted,

Dated: 12/29/2015

/s/ Robert J. Donaher
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and

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Counsel for Plaintiffs The Independence
Project, Inc. and Ronald Moore

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of December, 2015, a true and correct copy of the foregoing was filed via the Court's CM/ECF system.

I FURTHER CERTIFY that service will be made via U.S. Mail and Electronic Mail upon counsel for Wendy's Old Fashioned Hamburgers of New York, LLC , Shawn Karasarides, Vice President-Corporate Counsel, The Wendy's Company, One Dave Thomas Boulevard, Dublin, OH 43017, shawn.karasarides@wendys.com, and upon Defendant Midwend Foods, Inc., via service of process.

/s/ Robert J. Donaher
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